



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

September 19, 2018

Richard Senturia
eRate Program, LLC
9666 Olive Blvd., Suite 215
St. Louis, MO 63132

Re: Applicant Name: BISHOP FENWICK HIGH SCHOOL
Billed Entity Number: 1370
Form 471 Application Number: 1045479
Funding Request Number(s): 2852542
Your Correspondence Dated: July 23, 2018

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's decision to recover improperly disbursed funding for the FCC Form 471 Application Number and funding request number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2852542
Decision on Appeal: **Denied**
Explanation:

- The Universal Service Administrative Company (USAC) has completed its evaluation of the July 23, 2018 letter of appeal (Appeal) submitted by Bishop Fenwick High School (the School). The Appeal requests that USAC cease its recovery action because the School timely submitted its invoice before the extended September 1, 2017 invoicing deadline.

USAC has reviewed the appeal and the facts related to this matter and determined that it cannot grant the appeal because USAC is not authorized to waive the Federal Communications Commission (FCC) rules. USAC is also required to seek recovery for funding that is disbursed in violation of the FCC rules.

On May 30, 2017, the Federal Communications Commission (FCC) issued the Jefferson-Madison Reconsideration Order directing USAC to identify and allow all applicants who timely filed their Billed Entity Application for Reimbursement (BEAR) forms to be allowed to resubmit their BEAR forms even if their service provider failed to certify the BEAR form prior to the original invoicing deadline.

The invoicing deadline for Funding Request Number (FRN) 2852542 was February 27, 2017. The School did not submit a BEAR form for that FRN by that deadline, and therefore was ineligible for relief under the Jefferson-Madison Reconsideration Order. However, USAC erroneously identified the school as an applicant who qualified for the relief and improperly extended the invoice filing deadline for FRN 2852542 to September 1, 2017. Because USAC is not authorized to waive the FCC's invoicing deadline rules, USAC must recover funding that was disbursed in violation of the FCC's rules. For these reasons, your appeal is denied.

If you want to seek a waiver of FCC rules, or if you wish to appeal this decision, you must submit your request for waiver or appeal to the FCC within 60 days of the date of this decision letter. On all communications with the FCC, be sure to reference CC Docket No. 02-6. The FCC recommends filing with the Electronic Comment Filing System (ECFS) to ensure timely filing. You can find instructions for using ECFS on the ECFS Online Manual page of the FCC's website. The FCC will consider electronic filings as filed on a business day if they are received before midnight ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via email. For additional information about submitting appeals or waiver requests to the FCC, including options to submit via U.S. mail or hand delivery, visit the FCC's website at: <https://www.fcc.gov/reports-research/guides/how-file-paper-documents-fcc>.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at: <http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

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Billed Entity Number: 1370
Form 471 Application Number: 1045479
Form 486 Application Number: